

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

pplicant Maher et al. Group Art Unit 1651 I hereby certify that this correspondence and all Appl. No. 10/771,283 marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Filed February 2, 2004 Patent and Trademark Office, PO BOX 2327, Arlington, VA 20202 or For HIGH THROUGHPUT **METHOD AND SYSTEM** FOR SCREENING Thomas R. Arno, Reg. No. 40,490 CANDIDATE COMPOUNDS FOR ACTIVITY AGAINST TARGET ION CHANNELS Examiner Susan E. Fernandez

## DECLARATION UNDER 37 C.F.R. § 1.132

- 1. This declaration is to establish that subject matter in a printed publication cited by the Examiner in an Office Action mailed March 30, 2005 originated with the Applicant
- 2. I have reviewed the Office Action from the Examiner at the Patent and Trademark Office mailed March 30, 2005 rejecting the claims of the above-referenced application on the grounds of obviousness under 35 U.S.C. § 103.
- 3. I have reviewed the publication by Jesus E. Gonzales, Kahuku Oades, Yan Leychkis, Alec Harootunian and Paul A. Negulescu, entitled <u>Cell-based assays and instrumentation for screening ion-channel targets</u> (Drug Discovery Today, Vol. 4, No. 9, pages 431-439, September 1999) (hereinafter "Gonzalez et al. reference") that is cited by the Examiner in the Office Action.
- 4. I, Jesus E. Gonzalez, am a named inventor of the present patent application. I'm also the first author of the Gonzalez et al. reference.

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5. The second paragraph on page 437 of the cited Gonzalez et al. reference includes the following passage:

"Repetitive and rapid stimulation in combination with fast FRET probes and VIPR would potentially enable HTS assays in formats previously restricted to electrophysiology assays. For example, state dependent blockers of Na<sup>+</sup> or K<sup>+</sup> channels could be screened as therapies for epilepsy, pain, or cardiac arrhythmia."

6. The above quoted passage from the Gonzalez et al. reference originated with and was derived solely from me.

## Penalty of Perjury Statement

Each of the undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated: 9/19/05

Jesus E. Gonzalez

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